

REMARKS/ARGUMENTS

In the Final Office Action of March 31, 2009, claims 1 and 3-13 are rejected. In response, claims 1 and 3-6 have been amended and a Request for Continued Examination (RCE) has been filed herewith. Applicant hereby requests reconsideration of the application in view of the claim amendments, the RCE and the below-provided remarks.

Claim Rejections under 35 U.S.C. 102 and 35 U.S.C. 103

Claims 1, 3, 5 and 9 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Stolan (U.S. Pat. No. 5,864,663). Claims 4 and 6-8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Stolan in view of Ubicom (Ubicom Product Report –IP2022 Internet Processor, hereinafter “Ubicom”). Claims 10-13 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Stolan in view of Kamiya et al. (U.S. Pat. No. 6,144,887, hereinafter “Kamiya”). However, Applicant respectfully submits that the pending claims are patentable over Stolan, Ubicom, and Kamiya for the reasons provided below.

Independent Claim 5

Claim 5 has been amended to recite in part:

“a microcontroller supply unit connected to the microcontroller unit, wherein the microcontroller supply unit is permanently associated with a battery unit; a switch connected to the microcontroller supply unit, wherein the switch is configured to switch the microcontroller supply unit to enable or disable a temporary energy supply from the battery unit to the microcontroller unit; and

a monitoring module that is associated with the microcontroller unit, wherein a special mode of operation, particularly a flash mode of the base chip, can be activated once after the check has been made to see whether the special sequence has been successfully applied and after the reset operation, by allowing access to the monitoring module to take place in a manner which is simplified in comparison with the normal mode of operation of the microcontroller unit, wherein the monitoring module is permanently associated with the battery unit so that the monitoring module receives a permanent energy supply from the battery unit.” (emphasis added)

Support for the above-identified amendments to claim 5 can be found in Applicant’s specification at, for example, page 5, lines 20-27. Additionally, claim 5 has been amended to correct informalities. Applicant respectfully submits that Stolan does not disclose the above-identified limitations of amended claim 5.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In particular, Stolan discloses a microprocessor (12) and a watchdog timer circuit (10). (See Figs. 1 and 2, column 3, lines 25-27 and column 4, lines 12 and 13). However, Stolan does not disclose how energy supplies are provided for the microprocessor (12) and the watchdog timer circuit (10). Thus, Applicant respectfully submits that Stolan does not disclose the above-identified limitations of amended claim 5.

Because Stolan does not disclose all the limitations of amended claim 5, Applicant respectfully submits that amended claim 5 is not anticipated by Stolan.

Dependent Claims 6-9, 12 and 13

Applicant notes that claim 6 has been amended to correct informalities. Claims 6-9, 12 and 13 depend from and incorporate all of the limitations of the independent claim 5. Thus, Applicant respectfully asserts that claims 6-9, 12 and 13 are allowable at least based on an allowable claim 5.

Independent Claim 1

Claim 1 has been amended in a similar fashion to amended claim 5. Support for the claim amendments to claim 1 can be found in Applicant's specification at, for example, page 5, lines 20-27. Additionally, claim 1 has been amended to correct informalities. Because of the similarities between claim 5 and claim 1, Applicant respectfully asserts that the above remarks with regard to amended claim 5 apply also to amended claim 1. Accordingly, Applicant respectfully asserts that amended claim 1 is not anticipated by Stolan.

Dependent Claims 3, 4, 10 and 11

Applicant notes that claims 3 and 4 have been amended to correct informalities. Claims 3, 4, 10 and 11 depend from and incorporate all of the limitations of the

independent claim 1. Thus, Applicant respectfully asserts that claims 3, 4, 10 and 11 are allowable at least based on an allowable claim 1.

Double Patenting Rejection

Claims 1 and 3-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 3-9 of copending Application No. 10/517,471 in view of Stolan, Ubicom and Kamiya. Applicant notes herein that the alleged double patenting rejections will be addressed at a later time, assuming that these rejections are still applicable.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendment and remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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